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**Date:** February 17, 2004  
**To:** Office of Initial Patent Examination  
U.S. Patent and Trademark Office

**Facsimile No.** 703-~~746-9495~~ 812-91306

**From:** Carol M. LaSalle

**Message:** Please see the attached Request for Corrected Filing Receipt  
Application No. 10/678,343  
Filing Date: October 3, 2003  
Our Ref.: CNVG-005US2CON2

Total number of pages, including this cover sheet: 11

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Atty Dkt. No. CNVG-005US2CON2  
USSN: 10/678,343

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Typed or Printed Name	Kimberly Williams Zuchliko	
Signature	<i>Kimberly W Zuchliko</i>	Date <i>17 Feb. 2004</i>
<b>COMMUNICATION REGARDING RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT</b>	Attorney Docket	CNVG-005US2CON2
	Applicant	FLEISCHMAN, SIDNEY D.
	Serial Number	10/678,343
	Filing Date	October 3, 2003
	Group Art Unit	3731
	Examiner Name	
<b>FILED BY FACSIMILE</b>	Title: "ANASTOMOSIS SYSTEMS"	

Sir:

In response to the Communication dated January 20, 2004 regarding the response to our Request for a Corrected Filing Receipt, please find attached a mark-up version together with copies of the Initial Application Data Sheet and first two pages of the Preliminary Amendment as filed with the original application. Applicant respectfully requests that the Commissioner issue a corrected Official Filing Receipt.

If for any reason a fee is found to be necessary, the Commissioner is authorized to charge such fee to Deposit Account No. 50-0815.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date:

*2/16/04*

By:

*Carol M. LaSalle*

Carol M. LaSalle  
Registration No. 39,740

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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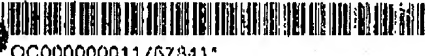
APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./FILE
10/678,343	10/03/2003	Sidrey D. Fleischman	CNVG-005US2CON2

CONFIRMATION NO. 1795

24353

BOZICEVIC, FIELD & FRANCIS  
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0000000011/67841\*

FEB 02 2004

Bozicevic, Field, &amp; Francis

Date Mailed: 01/26/2004

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

## Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☒ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification. 09/329,503 filing date 06/10/1999
- ☐ A claim for priority cannot be made based on an application filed after the application making the claim.
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order  
Country, Application number, Filing date.
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
- ☒ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as

10/678,343  
12/12/03  
priority data

KWZ  
OIL

domestic or foreign priority, 60/151,803 filing date 06/10/1999

☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.

☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

Haimanof Tegbaru  
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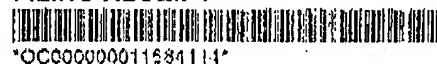
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APP. NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE RECD	ATTY. DOCKET NO	DRAWINGS	101 CIMS	IND CIMS
10/878,343	10/03/2003	3731	385	CONVG-005US2CON2	54	11	2

CONFIRMATION NO. 1795

24353  
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## FILING RECEIPT



Date Mailed: 12/30/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Sidney D. Fleischman, Menlo Park, CA;  
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Thomas H. Campbell, Brentwood, CA;  
Patrick M. Owens, Half Moon Bay, CA;

## Assignment For Published Patent Application

Converge Medical Inc.;

## Domestic Priority data as claimed by applicant

This application is a CONTINUATION of 09/997,619 filed 09/01/2001, PAT. 6,438,930;  
which is a CONTINUATION of 09/735,306 filed 12/05/2000, PAT. 6,503,981  
which claims benefit of 60/182,104 filed 12/01/2000

and claims benefit of 60/151,843 dated 04/04/99

## Foreign Applications

And claims benefit of 09/329,503 01/10/1999

If Required, Foreign Filing License Granted: 12/20/2003

and is related to 09/066,161

60/111,948 12/11/1998

Projected Publication Date: 01/08/2004

Non-Publication Request: No

Early Publication Request: No

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JAN 05 2004

**\*\* SMALL ENTITY \*\***

Title

Anastomosis systems

Preliminary Class

606

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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